



**Littler Mendelson, PC**  
900 Third Avenue  
New York, NY 10022.3298

Nina Massen  
212.471-4448 direct  
212.583.9600 main  
646.417.7534 fax  
nmassen@littler.com

April 7, 2020

**VIA ECF FILING**

The Honorable Lewis J. Liman  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 701  
New York, NY 10007

Re: Luis Batista v. Palm West Corporation et al.  
1:19-cv-4455 (LJL)

Dear Judge Liman:

We are counsel to all Defendants in the above action. With consent of Plaintiff's Counsel following a phone consultation, Defendants request pursuant the Court's *COVID-19 Emergency Individual Practices in Civil and Criminal Cases*, effective March 19, 2020, Section 3(B), a stay of all proceedings for 90 days.

The request for a stay is based on several factors. First, Defendant The Palm was recently purchased by Landry's Inc. pursuant to an asset sale approved by the U.S. Bankruptcy Court for the Middle District of Florida. The sale was effectuated in or about March 12, 2020. The change of ownership and leadership as well as the departure of several former employees of The Palm, requires a re-assessment of the posture of the case. Second, the asset sale occurred at the same time as the gravity of COVID-19 became apparent and has hit the restaurant industry particularly hard. As a result, ownership's attention to this case has been diverted to pressing decisions about its more than 600 restaurants, hotels, casinos and entertainment destinations in 35 states and the District of Columbia. Lastly, Plaintiff has noticed the depositions of five (5) Defendants and two fact-witnesses, only one of whom, upon information and belief, remains an employee. Furthermore, only two of the deponents continue to live in New York, which will require additional logistical arrangements.

The Hon. Lewis J. Liman  
U.S.D.J.  
April 7, 2020  
Page 2

We do not believe that a stay will disrupt the progress of the case. The parties are very close to completing document discovery and will be able to launch into depositions when the stay expires.

Therefore, for all the above reasons, Defendants respectfully request a stay of the proceedings for 90 days.

Respectfully submitted,

/s/ Nina Massen  
Nina Massen  
*Counsel for Defendants*

Cc: Melissa Mendoza, Esq., Plaintiff's Counsel (by PDF)

GRANTED IN PART, DENIED IN PART. The action will be stayed until June 8, 2020, and the parties shall file a joint status letter on that date.

The status conference previously scheduled for May 8, 2020 is ADJOURNED to June 9, 2020 at 10:00 a.m.

SO ORDERED. 4/8/2020.

  
\_\_\_\_\_  
LEWIS J. LIMAN  
United States District Judge